

REMARKS

Applicant appreciates the Examiner's time for the teleconference interview on February 7, 2006, and the Examiner's efforts to develop and clarify pending issues to advance prosecution of the subject application. Pending claims 1 and 5-7 were discussed with respect to the Norby reference. The Examiner clarified which of the components in Norby Fig.1 are cited as the Office's basis to reject features recited in claim 1 of the subject application. Specifically, the terminal device (12), IXC switch (14), and initiating service session (16) in Norby Fig.1 are cited as the respective call source, switch, and call-in service recited in claim 1. The amendments to claim 1 provided herein are simply to provide clarification, and are not to overcome the Norby reference.

Applicant describes and claims (in one embodiment) that a call source, such as a person, can initiate a telephone call to a call-in service, such as a service that requires the person to provide a credit card to pay for access to the service. This credit card payment ("service access payment") is in addition to the standard billing rate that applies to the telephone call, and which is billed to the person on his or her telephone bill. Rather than paying the service access payment with a credit card, the person may opt to elect a collect callback option provided by the call-in service. When the person chooses and authorizes the collect callback option, the initial telephone call is discontinued. (*Specification* ¶¶[0009]-[0011]).

As described in claim 1, the switch then establishes a collect call between the person ("call source") and the call-in service. As such, the person has authorized receipt of a collect callback so that the service access payment for access to the service is now billed as a collect call on the person's telephone bill.

1 (Specification ¶¶[0011]-[0012]). In this example, the recited system provides for
2 an alternate form of payment for a person wanting to access a fee-based service,
3 yet not having a credit card to pay for the service.

4
5 Claim 5 is rejected under §102 to Norby, and recites a “call source
6 identifier”, such as a telephone number of the call source (person), as well as a
7 “call-in service identifier” and an “access code” that each correspond to the call-in
8 service. The Office cites to Norby for a calling party’s telephone number (claim 5
9 “call source identifier”) and a casual dialing code (claim 5 “access code”). Norby
10 does not show or disclose a “call-in service identifier”, as recited in claim 5, that
11 corresponds to the initiating service session (16) shown in Norby Fig.1. The
12 Examiner contends that such a call-in service identifier would be inherent in
13 Norby to establish communication between the IXC switch (14) and the initiating
14 service session (16).

15 Respectfully, Applicant disagrees that a call-in service identifier would be
16 inherent, or even needed in Norby. There is no indication in Norby that service
17 session (16) has an associated identifier utilized to establish communication with
18 the IXC switch (14) when the first party terminal device (12) initiates the service
19 session (16) (*Norby* col.4, lines 7-11). Additionally, the Office cites to Norby
20 col.5, lines 14-25 which describe that the casual dialing code is for the calling
21 party’s interexchange carrier (i.e., the IXC switch (14)). Accordingly, the casual
22 dialing code in Norby that corresponds to the IXC switch (14) is not the access
23 code recited in claim 5 that corresponds to the call-in service. As the Examiner is
24 likely aware, a single reference must teach each and every element of a claim to
25

1 substantiate anticipation under 35 U.S.C. §102 (MPEP §2131). Norby does not
2 show or disclose a call-in service as recited in claim 5, and therefore does not
3 provide a basis to maintain the §102 rejection.

4
5 Claims 6 and 7 are also rejected under §102 to Norby, and recite “call
6 source data that corresponds to the call source”. Further, claim 7 recites that the
7 call source data includes call limits for the call source. The Office cites to Norby
8 col.4, lines 59-65 which only refers to a time interval that designates a duration
9 during which the called party can return a call. Norby describes a called party
10 limit – not a calling party (“call source”) limit. Accordingly, Norby does not show
11 or disclose a basis to maintain the §102 rejection.

12
13 Applicant respectfully requests reconsideration and allowance of the
14 subject application. Claims 1-22, 24-30, 32-38, 41-46, and 48-78 are pending, of
15 which claims 1, 11-12, 21-22, 24, 33, 41-42, 48, 52, 57, 64, 71, 74, and 77-78 have
16 been amended. The amendments to claims 1, 11-12, 21-22, 24, 33, 41-42, 48, 52,
17 57, 64, 71, 74, and 77-78 are simply to provide clarification, and are not to
18 overcome prior art.

19 Applicant’s amendments and remarks after Final are appropriate under
20 37 C.F.R. §1.116 because they address the Office’s remarks in the Final Action,
21 and thus could not have been presented earlier. In addition, the amendments and
22 remarks should be entered to place the case in better form for appeal.

1 **35 U.S.C. §112**

2 Claims 22, 54, and 78 are rejected under 35 U.S.C. §112, first paragraph, as
3 failing to comply with the written description. Appropriate amendments have
4 been provided herein and Applicant respectfully requests that the §112 rejection
5 be withdrawn. Support for the amendments to claims 22 and 78 can be found at
6 least at page 3, ¶[0008]. Additionally, for many of the reasons described herein,
7 claims 22, 54, and 78 are allowable over the references of record.

8
9 **35 U.S.C. §102 Claim Rejections**

10 **A.** Claims 1-3, 5-7, 11, 41, 52, 57, 59-64, 66-71, and 73-77 are rejected
11 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,775,365 to
12 Norby (hereinafter, “Norby”) (*Office Action* p.2). Applicant respectfully traverses
13 the rejection.

14 **B.** Claim 21 is rejected under 35 U.S.C. §102(b) as being anticipated by
15 U.S. Patent Publication No. 2001/0026609 to Weinstein et al. (hereinafter,
16 “Weinstein”) (*Office Action* p.6). Applicant respectfully traverses the rejection.

17
18 Norby describes that a first party at terminal device (12) initiates a call that
19 is routed to a second party terminal device (20). Upon receiving a busy signal or
20 no answer at terminal device (20), the caller (e.g., first party) may elect to allow a
21 directed return call (*Norby* col.4, lines 10-22). A call detail record (22) is created
22 at the caller’s interexchange carrier switch (IXC switch) (14) (*Norby* col.4, lines
23 25-26 and col.5, lines 6-8 referring to block 60 in Fig.2). The second party
24
25

terminal device (20) is then provided a dial back signaling message from the first party interexchange carrier switch (14) (Norby col.5, lines 13-15).

Claim 1 recites a collect callback system, comprising:

a call-in service configured to establish a communication link with a call source, the call-in service further configured to initiate a collect callback option for the call source that can authorize receiving a collect call initiated by the call-in service; and

a switch configured to receive callback data from the call-in service, the switch further configured to establish the collect call via a second communication link that is completed between the call source and the call-in service to enable the collect call.

Norby does not show or disclose the combination of elements as recited in claim 1, nor does the configuration and description of components in Norby substantiate the §102 rejection of claim 1. Specifically, there is no indication in Norby that a call source authorizes receiving a collect call initiated by a call-in service, or that the collect call is established via a communication link that is completed between the call source and the call-in service to enable the collect call, as recited in claim 1.

A. A call source in Norby does not authorize receiving a collect call initiated by a call-in service.

There is no indication in Norby that a call source authorizes receiving a collect call initiated by a call-in service, as recited in claim 1. Norby describes that a caller at terminal device (12) can elect to allow a directed return call initiated by a second party at a second terminal device (20). As described above in

1 the *Remarks* section, the Office cites to the initiating service session (16) in Norby
2 as the claimed call-in service recited in claim 1. However, the initiating service
3 session (16) in Norby does not initiate a collect call (directed call return), as
4 recited in claim 1. Only a second party initiates a return call in Norby. As such,
5 claim 1 is allowable over Norby for at least this reason and the §102 rejection
6 should be withdrawn.

7
8 **B. Norby does not establish a collect call that is completed between a**
9 **call source and a call-in service.**

10 There is no indication in Norby that the collect call is established via a
11 communication link that is completed between the call source and the call-in
12 service to enable the collect call, as recited in claim 1. Norby only describes that a
13 return call is between the second party at the second terminal device (20) and the
14 first party at the first terminal device (12) (via the PSTN (18) and IXC switch
15 (14)). The initiating service session (16) in Norby is not even part of the return
16 call between the second terminal device (20) and the first terminal device (12)
17 because the initiating service session (16) would be discontinued when the call
18 from the first party is discontinued prior to the directed call return from the second
19 party.

20 Contrary to Norby, claim 1 recites that the collect call is completed between
21 the call source and the call-in service. As described above, the Office cites to the
22 initiating service session (16) in Norby as the claimed call-in service recited in
23 claim 1. However, the return call in Norby is not completed between the initiating
24 service session (16) (which would have been discontinued) and the first party at
25

terminal device 12. As such, claim 1 is also allowable over Norby for at least this reason and the §102 rejection should be withdrawn.

C. Norby does not include a switch to establish a collect call between a call source and a call-in service.

Norby also does not show or disclose a switch configured to establish a collect call between the call source and the call-in service, as recited in claim 1. To the contrary, Norby describes that the second party terminal device (20) is provided with a dial-back signaling message via which the second party (e.g., the called party) can initiate the directed call return (*Norby* col.5, lines 13-15; lines 47-52). As described above, the Office refers to the IXC switch (14) in Norby as the claimed switch. However, it is not the IXC switch (14) in Norby from which the second party initiates or establishes the directed call return, but rather from the second party terminal device (20).

There is no indication of the functionality of the IXC switch (14) in Norby, and the IXC switch (14) is merely illustrated as a component in a communication link between the terminal device (12) and the initiating service session (16). There is nothing in Norby to suggest that IXC switch (14) establishes a directed call return, or a collect call, as recited in claim 1. As such, claim 1 is also allowable over Norby for at least this reason and the §102 rejection should be withdrawn.

1 **D. Norby requires the specific functionality of intelligent terminal**
2 **devices at each end of a communication, and one each per caller.**

3 Claim 1 recites a call-in service that is configured to initiate a collect
4 callback option for a call source, and a switch that is configured to establish a
5 collect call between the call source and the call-in service. The call source does
6 not require an intelligent terminal device (as described in Norby) to simply
7 (1) place a call to the call-in service which then establishes a communication link
8 with the call source, and (2) answer a call from the switch that establishes a collect
9 call between the call source and the call-in service.

10 Norby requires the specific functionality of intelligent terminal devices (12)
11 and (2) for each caller at each end of a call to facilitate allowing a second person
12 to return a call from a first person and indicate to the second person that the first
13 person will pay for the call. Accordingly, Norby describes a dissimilar system that
14 does not show or disclose the system configuration or combination of elements
15 and/or features as recited in claim 1. As such, claim 1 is also allowable over
16 Norby for at least this reason and the §102 rejection should be withdrawn.

17
18 **E. Norby is entirely dependent on the involvement of a second**
19 **person to initiate a directed return call.**

20 Norby is entirely dependent on the involvement of a second person (e.g., a
21 second party, or the called party) at terminal device (20) to initiate a directed
22 return call to the first person, or caller, which will pay for the call. To the
23 contrary, Applicant claims that a communication link is established between a call
24 source and a call-in service that initiates a collect callback option for the call
25

1 source, and a switch then establishes a collect call that is completed between the
2 call source and the call-in service without input from a second person or entity, as
3 required in Norby. As such, claim 1 is also allowable over Norby for at least this
4 reason and the §102 rejection should be withdrawn.

5 Accordingly, for at least any one of the reasons described above, Norby
6 does not show or disclose each and every element of claim 1 as would be required
7 to substantiate the §102 rejection. As such, claim 1 is allowable over Norby and
8 the §102 rejection should be withdrawn.

9
10 **Claims 2-3 and 5-7** are allowable by virtue of their dependency upon
11 claim 1. Additionally, some or all of claims 2-3 and 5-7 are allowable over Norby
12 for independent reasons. For example:

13 **Claim 3** recites that “the switch is further configured to notify the call-in
14 service that the collect call for the call source is authorized”. Norby does not show
15 or disclose that a switch notifies a call-in service that a collect call for a call source
16 is authorized.

17 As described above, the Office refers to the initiating service session (16) in
18 Norby as the claimed call-in service, and refers to the IXC switch (14) in Norby as
19 the claimed switch. However, the IXC switch (14) in Norby does not notify the
20 initiating service session (16) that a directed call return is authorized. Rather,
21 Norby describes that the initiating service session (16) at the calling party submits
22 information to the calling party IXC switch (14) to indicate that the called party
23 has been authorized to place a call back to the calling party (*Norby* col.4, line 66 to
24 col.5, line 4 as cited by the Office). Norby states that the service session (16)
25

1 submits information to the switch (14) for the call back authorization. Norby does
2 not show or disclose the opposite – that a switch notifies a call-in service that a
3 collect call for a call source is authorized, as recited in claim 3. Accordingly,
4 claim 3 is allowable over Norby and the §102 rejection should be withdrawn.

5 Claim 5 recites a “call source identifier” as well as a “call-in service
6 identifier” and an “access code” that each correspond to the call-in service. As
7 described above in *Remarks*, Norby does not show or disclose a “call-in service
8 identifier”, as recited in claim 5, that corresponds to the initiating service session
9 (16) shown in Norby Fig.1. Accordingly, claim 5 is allowable over Norby and the
10 §102 rejection should be withdrawn.

11 Claim 7 recites “call source data including call limits for the call source”.
12 As described above in *Remarks*, the Office cites to Norby col.4, lines 59-65 which
13 only refers to a time interval that designates a duration during which the called
14 party can return a call. Norby describes a called party limit – not a calling party
15 (“call source”) limit. Accordingly, claim 7 is allowable over Norby and the §102
16 rejection should be withdrawn.

17
18 Claim 11 recites “the call source that can authorize receiving a collect call
19 initiated by the call-in service”, and “the collect call being completed from the
20 call-in service to the call source to enable the collect call”. Norby does not show
21 or disclose at least these features recited in claim 11 which is allowable over
22 Norby for at least any one of the many reasons described above in response to the
23 rejection of claim 1. Accordingly, Applicant respectfully requests that the §102
24 rejection of claim 11 be withdrawn.
25

1
2 **Claim 21** recites a collect callback system comprising a call-in dating
3 service configured to:

4 establish a communication link with a call source that initiates
5 communication with the call-in dating service;

6 initiate a collect callback option for the call source as a form of
7 payment for a duration of a collect call between the call source and the
8 call-in dating service;

9 receive an authorization input for collect call payment from the call
10 source, the collect call being billed to a phone number associated with the
11 call source;

12 communicate callback data to a switch that initiates the collect call
13 via a second communication link to the call source; and

14 receive the collect call for the call source via the second
15 communication link that is routed through the switch.

16 Weinstein does not show or disclose a collect callback system comprising a
17 call-in dating service, or many of the system features recited in claim 21. Weinstein
18 describes web-initiated communication by telephone, and the Office cites to
19 Weinstein ¶¶ [0092]-[0094] (*Office Action* p.6).

20 The cited sections of Weinstein describe that a person can send an on-line
21 greeting card to a friend and choose a dialing link to be contained within the card,
22 such as a collect call link so that the friend can call back upon receiving the on-line
23 greeting card (¶[0092]). The friend receives an email with a hyperlink to a Web
24 page that is the on-line greeting card, and the Web page contains a dialing hyperlink
25 (¶[0093]). A dialing confirmation box gives the friend a choice to call the person
immediately, schedule the call for later, or cancel the dialing transaction (¶[0094]).

1 There is no indication that Weinstein describes a call-in dating service as
2 recited in claim 1. Specifically, Weinstein does not show or disclose:

- 3 • a call-in dating service that initiates a collect callback option for the call
4 source (*Weinstein* only describes a collect call link for the friend that is
5 called, not for the person that calls the friend);
- 6 • a collect call between the call source and the call-in dating service
7 (*Weinstein* only describes a collect call between the friend and the
8 person that called the friend);
- 9 • a switch that initiates the collect call;
- 10 • a switch that initiates the collect call via a second communication link to
11 the call source; or
- 12 • a call-in dating service that receives the collect call for the call source
13 via the second communication link that is routed through the switch.

14 As the Examiner is likely aware, a single reference must teach each and every
15 element of a claim to substantiate anticipation under 35 U.S.C. §102 (MPEP §2131).
16 *Weinstein* does not show or disclose at least all of the features listed above, and
17 clearly does not provide a basis for the §102 rejection. Accordingly, claim 21 is
18 allowable over *Weinstein* and Applicant respectfully requests that the §102 rejection
19 be withdrawn.
20
21
22
23
24
25

1 Independent Claims 41, 52, 57, 64, and 71 are also allowable over Norby for
2 at least any one or more of the reasons described above in response to the rejection of
3 claim 1. Norby clearly does not anticipate each and every element of claims 41,
4 52, 57, 64, and 71 as would be required to substantiate the §102 rejection.
5 Accordingly, each of the independent claims 41, 52, 57, 64, and 71 are allowable
6 over Norby and Applicant respectfully requests that the §102 rejection be withdrawn.

7
8 Claims 59-63 are allowable by virtue of their dependency upon claim 57.
9 Additionally, some or all of claims 59-63 are allowable over Norby for
10 independent reasons.

11 Claims 66-70 are allowable by virtue of their dependency upon claim 64.
12 Additionally, some or all of claims 66-70 are allowable over Norby for
13 independent reasons.

14 Claims 73-77 are allowable by virtue of their dependency upon claim 71.
15 Additionally, some or all of claims 73-77 are allowable over Norby for
16 independent reasons.
17
18
19
20
21
22
23
24
25

1 **35 U.S.C. §103 Claim Rejections**

2 **A.** Claims 4, 55-56, 58, 65, and 72 are rejected under 35 U.S.C. §103(a)
3 for obviousness over Norby in view of U.S. Patent No. 6,363,411 to Dugan et al.
4 (hereinafter, "Dugan") (*Office Action* p.6). Applicant respectfully traverses the
5 rejection.

6 **B.** Claim 53 is rejected under 35 U.S.C. §103(a) for obviousness over
7 Weinstein in view of Dugan (*Office Action* p.7). Applicant respectfully traverses
8 the rejection.

9 **C.** Claims 8-9, 12-15, 17-20, 24-27, 29-30, 32-35, 37-38, 42-44, 46,
10 48-49, and 51 are rejected under 35 U.S.C. §103(a) for obviousness over Norby in
11 view of U.S. Patent No. 6,141,405 to Coulter (hereinafter, "Coulter") (*Office*
12 *Action* p.7). Applicant respectfully traverses the rejection.

13 **D.** Claims 10, 16, 28, 36, 45, and 50 are rejected under 35 U.S.C.
14 §103(a) for obviousness over Norby in view of Coulter, and further in view of
15 Dugan (*Office Action* p.10). Applicant respectfully traverses the rejection.

16
17 **A. Claim rejections over the Norby-Dugan combination**

18
19 **Claims 4, 55-56, 58, 65, and 72** are each allowable by virtue of their
20 dependency upon respective claims 1, 41, 52, 57, 64, and 71 which are allowable
21 over Norby for at least the reasons described above in response to the §102
22 rejection of claim 1. Claims 4, 55-56, 58, 65, and 72 are also allowable over the
23 Norby-Dugan combination because Dugan does not address the deficiencies of
24
25

1 Norby as described above in the response to the rejection of claim 1. Accordingly,
2 the §103 rejection of claims 4, 55-56, 58, 65, and 72 should be withdrawn.

3
4 **B. Claim rejection over the Weinstein-Dugan combination**

5
6 **Claim 53** is allowable by virtue of its dependency upon claim 21 which is
7 allowable over Weinstein for at least the reasons described above in response to
8 the §102 rejection of claim 21. Claim 53 is also allowable over the
9 Weinstein-Dugan combination because Dugan does not address the deficiencies of
10 Weinstein as described above in the response to the rejection of claim 21.
11 Accordingly, the §103 rejection of claim 53 should be withdrawn.

12
13 **C. Claim rejections over the Norby-Coulter combination**

14
15 **Claims 8-9** are allowable by virtue of their dependency upon claim 1 which
16 is allowable over Norby for at least the reasons described above in response to the
17 §102 rejection of claim 1. Claims 8-9 are also allowable over the Norby-Coulter
18 combination because Coulter does not address the deficiencies of Norby as
19 described above in the response to the rejection of claim 1. Accordingly, the §103
20 rejection of claims 8-9 should be withdrawn.

21
22 **Claims 12, 24, 33, 42, and 48** are independent claims and allowable over
23 Norby for at least any one or more of the reasons described above in response to the
24 §102 rejection of claim 1. Further, claims 12, 24, 33, 42, and 48 are allowable over
25

1 the Norby-Coulter combination because Coulter does not address the deficiencies
2 of Norby as described above in the response to the rejection of claim 1.
3 Accordingly, claims 12, 24, 33, 42, and 48 are allowable over Norby and/or Coulter
4 and Applicant respectfully requests that the §103 rejection of claims 12, 24, 33, 42,
5 and 48 be withdrawn.

6
7 Claims 25-27, 29-30, and 32 are allowable over the Norby-Coulter
8 combination by virtue of their dependency upon allowable claim 24.

9 Claims 34-35 and 37-38 are allowable over the Norby-Coulter combination
10 by virtue of their dependency upon allowable claim 33.

11 Claims 43-44 and 46 are allowable over the Norby-Coulter combination by
12 virtue of their dependency upon allowable claim 42.

13 Claims 49 and 51 are allowable over the Norby-Coulter combination by
14 virtue of their dependency upon allowable claim 48.

15
16 **D. Claim rejections over the Norby-Coulter-Dugan combination**

17
18 Claims 10, 16, 28, 36, 45, and 50 are each allowable by virtue of their
19 dependency upon respective claims 1, 12, 24, 33, 42, and 48 which are allowable
20 over Norby for at least the reasons described above in response to the §102
21 rejection of claim 1. Claims 10, 16, 28, 36, 45, and 50 are also allowable over the
22 Norby-Coulter-Dugan combination because Coulter and/or Dugan do not address
23 the deficiencies of Norby as described above in the response to the rejection of
24
25

1 claim 1. Accordingly, the §103 rejection of claims 10, 16, 28, 36, 45, and 50
2 should be withdrawn.

3
4 **Conclusion**

5 Pending claims 1-22, 24-30, 32-38, 41-46, and 48-78 are in condition for
6 allowance. Applicant respectfully requests reconsideration and issuance of the
7 subject application. If any issues remain that preclude issuance of this application,
8 the Examiner is urged to contact the undersigned attorney before issuing a
9 subsequent Action.

10 Respectfully Submitted,

11
12 Dated: Feb 14, 2006

13 By: 

14 David A. Morasch
15 Lee & Hayes, PLLC
16 Reg. No. 42,905
17 (509) 324-9256 x 210
18
19
20
21
22
23
24
25